

# Senate File 2364 - Enrolled

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1 1 SENATE FILE 2364  
1 2  
1 3 AN ACT  
1 4 RELATING TO THE EMANCIPATION OF A MINOR.  
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1 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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1 8 Section 1. Section 232.125, Code 2007, is amended by  
1 9 adding the following new subsection:  
1 10 NEW SUBSECTION. 6. A petition may contain a request for  
1 11 an emancipation order. If the petition contains a request for  
1 12 an emancipation order, the request shall provide the  
1 13 following:  
1 14 a. The child is at least sixteen years of age.  
1 15 b. The child is a resident of this state.  
1 16 c. The child is not in the care, custody, or control of  
1 17 the state.  
1 18 Sec. 2. Section 232.127, Code 2007, is amended by adding  
1 19 the following new subsection:  
1 20 NEW SUBSECTION. 11. If a petition contains a request for  
1 21 an emancipation order and the court adjudicates the family to  
1 22 be a family in need of assistance, the court may enter any  
1 23 dispositional order allowed under this section and may proceed  
1 24 as provided in section 232.128 in addition to any  
1 25 dispositional order entered under this section.  
1 26 Sec. 3. NEW SECTION. 232.128 EMANCIPATION == EFFECT.  
1 27 1. If after adjudicating the family to be a family in need  
1 28 of assistance pursuant to section 232.127 the court finds, by  
1 29 clear and convincing evidence, that no remedy is available  
1 30 that would result in strengthening or maintaining the familial  
1 31 relationship, the court may enter an order emancipating the  
1 32 child.  
1 33 2. An emancipation order shall have the same effect as a  
1 34 child reaching the age of majority with respect but not  
1 35 limited to the following:  
2 1 a. The ability to sue or be sued in the child's own name.  
2 2 b. The right to enter into a binding contract.  
2 3 c. The right to buy and sell real estate.  
2 4 d. The right to establish a legal residence.  
2 5 e. The right to incur debts.  
2 6 f. The right to consent to medical, dental, or psychiatric  
2 7 care.  
2 8 3. An emancipation order shall have the same effect as the  
2 9 child reaching the age of majority and the parents are exempt  
2 10 from the following:  
2 11 a. Future child support obligations relating to the  
2 12 emancipated child.  
2 13 b. An obligation to provide medical support for the  
2 14 emancipated child, unless deemed necessary by the court.  
2 15 c. Tort liability for the actions of the child after  
2 16 emancipation.  
2 17 d. A right to the income or property of the emancipated  
2 18 child.  
2 19 e. A responsibility for the debts of the emancipated  
2 20 child.  
2 21 4. An emancipated child shall remain subject to voting  
2 22 restrictions under chapter 48A, gambling restrictions under  
2 23 chapter 99D, 99F, 99G, or 725, alcohol restrictions under  
2 24 chapter 123, compulsory attendance requirements under chapter  
2 25 299, and cigarette tobacco restrictions under chapter 453A.  
2 26 5. An emancipated child shall not be considered an adult  
2 27 for prosecution except as provided in section 232.8.  
2 28 6. Notwithstanding section 232.147 through 232.151, the  
2 29 emancipation order shall be released by the court subject to  
2 30 rules prescribed by the supreme court.  
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JOHN P. KIBBIE  
President of the Senate

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3 4 PATRICK J. MURPHY  
3 5 Speaker of the House  
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3 7 I hereby certify that this bill originated in the Senate and  
3 8 is known as Senate File 2364, Eighty-second General Assembly.  
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3 12 \_\_\_\_\_  
3 13 MICHAEL E. MARSHALL  
3 14 Secretary of the Senate  
3 15 Approved \_\_\_\_\_, 2008  
3 16  
3 17 \_\_\_\_\_  
3 18 CHESTER J. CULVER  
3 19 Governor